

REMARKS

Applicants respectfully request consideration of the subject application. Claims 1, 4, 5, 8, 11-19, 21, 22, 24-26, 31-37, 45-51, 54-60, 72, 74, 78-82 are pending. Claims 1, 4, 5, 8, 11-19, 21, 22, 24-26, 31-37, 45-51, 54-60, 72, 74, 78-82 are rejected. In this Amendment, claims 56, 72, and 74 have been amended. No new matter has been added.

35 U.S.C. § 103 Rejections

Claims 1, 8, 11-14, 16-19, 21, 22, 24-26, 31, 33, 35, 37, 45, 46, 49-56, 58, 60, 72, 74, and 78-82 are rejected under 35 USC 103(a) as being unpatentable over US Patent Number 6,128,663 to Thomas, hereinafter “Thomas” in view of Official Notice.

The present claims recite, among other elements, determining a message to be displayed on a World Wide Web page, determining targeting criteria associated with a message, receiving personal information about the user, and tailoring said message page based, at least in part, on said targeting criteria and said personal information.

Thomas fails to disclose both determining targeting criteria associated with a message and tailoring or selecting a message based on said targeting criteria as recited in the present claims. Instead, Thomas relies solely on demographic information or a demographic identifier to determine or customize a file for a response to a request (Thomas, see e.g. Figures 2A, 4B, col. 7, lines 7-17).

Additionally, fails to disclose tailoring a message based on targeting criteria and personal information as recited in the present claims.

More specifically, Thomas, fails to describe a message that is displayed separate from the advertisement, but is on the same page as the advertisement, the message being related to the advertisement and based on targeting criteria and personal information, as required by claim 1.

Similarly, Thomas fails to describe selecting one of the messages based on personal information and targeting criteria, the message being thematically related to the advertisement, and serving the message separate from the advertisement, but on the same page as the advertisement, as required by claim 31.

Similarly, Thomas fails to describe causing a message to be displayed proximal to the advertisement on the web page, the message being thematically related to the advertisement and tailored based on personal information and targeting criteria, as required by claim 56.

Similarly, Thomas fails to describe causing a message to be displayed in proximity to an advertisement on a web page, the message being tailored based on personal information and targeting criteria, as required by claim 58.

Similarly, Thomas fails to describe a system that can serve a message in proximity to an advertisement, the message being associated with the advertisement and tailored based, at least in part, on personal information and targeting criteria, as required by claim 72.

Similarly, Thomas fails to describe an apparatus that includes means for transmitting a customized message, the message being associated with the advertisement and tailored based on personal information and targeting criteria, the message being displayed in proximity to the advertisement on the same world wide web page, as required by claim 74.

Thomas also fails to describe serving a message that is related to the advertisement on the same page as the advertisement, but separate from the advertisement, if targeting criteria associated with the message is met, as required by claim 45 and causing a message to be displayed proximal to an advertisement, the message being associated with the advertisement, if targeting criteria associated with the message is met, as required by claim 54.

Instead, Thomas merely describes displaying a greeting based on the demographic information and selecting an advertisement based on the demographic information. Thomas does not describe serving a greeting that is both related to the advertisement and tailored or selected based on targeting criteria and/or personal information of the user. Thus, Thomas fails to describe the combination of a message that is both related to an advertisement and tailored based on personal information and targeting criteria.

Thus, the cited art fails to teach or suggest all of the limitations of independent claims 1, 31, 45, 54, 56, 58, 72 and 74. Claims 8, 11-14, 16, 18-19, 21-22, 33, 35, 37, 46, 48-50, 55, 60 and 78-82 depend, directly or indirectly, from one of the foregoing independent claims. For at least the reasons provided above, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 103.

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (650) 798-0300.

If it should be determined that an extension of time is required to prevent this application from being abandoned, please charge Deposit Account No. 19-3140 for the fees associated with such an extension of time, as well as any additional fees due in connection with this communication.

Respectfully submitted,
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